



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

C.R.P. (MD) (NPD) Nos.955 to 957 of 2014

and

M.P. (MD) No.1 of 2014

WEB COPY

1.Balathandayutham @ Balathandayuthabani

2.M.Rajendran

... Revision Petitioner-1/ Petitioner-1

(in all petitions)

-vs-

1.R.Kabilan

2.K.Rajamanickam

3.K.Nagarajan ... Respondents/ Respondents/Defendants

(in all petitions)

COMMON PRAYER: These Civil Revision Petitions are filed under Article 227 of the Constitution of India, to call for the records from the file of the Court of District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District pertaining to the judgment and decree dated 03.03.2014 made in I.A.Nos.50, 51 and 52 of 2014 in O.S.No.24 of 2012 on the file of the Court of the District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District and set aside the same, by allowing this Civil Revision Petitions.

For Petitioner : Mr.S.Kanagarajan

For Respondents : Mr.G.Karnan

(in all petitions)

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the judgment and decree dated 03.03.2014 made in I.A.Nos.50, 51 and 52 of 2014 in O.S.No.24 of 2012 on the file of the Court of the District Munsif cum Judicial Magistrate, Orathanadu, Thanjavur District.

2.The facts of the case, in a nutshell, are that the petitioners are the plaintiffs and the Respondents are the defendants. The above suit was filed for declaration and injunction. The plaintiffs had filed the above applications in the present suit, seeking to reopen the case, to recall the evidence of P.W.2 and to accept the documents. Since the said applications were dismissed, by the impugned orders, these Civil Revision Petitions have been filed.

3.The learned counsel for the Petitioners has submitted that the petitioners were able to trace the documents at their house only belatedly and therefore, they were unable to present the application to recall the evidence of P.W.2 immediately, after the closure of cross examination of P.W.1 and that it becomes necessary for the plaintiffs to establish their cases and if the petitions are allowed with cost, the petitioners are ready to pay the same. Hence, he



seeks to allow these revisions.

4.The learned counsel for the Respondents has submitted that the applications have been filed after completion of trial proceedings and they have not given proper explanation as to why the documents have not been marked at the time of hearings and the petitions have been filed belatedly and only with an intention to drag on the proceedings, the present applications have been filed and when the evidence on their side was closed, they have no right to reopen the same and that the court below is justified in dismissing the applications, by the impugned order.

5.This court heard the learned counsel on either side and considered their submissions and also carefully perused the materials placed on record.

6.The present suit was filed for declaration and injunction. The suit is of the year 2012. The Plaintiffs should have taken necessary steps to mark the documents and to examine the witness at the threshold itself or at the time when the evidence was going on and only to drag on the proceedings, the said applications had been filed. Considering the said reasons, the court below had rightly refused to reopen the case, to recall the witness and to accept the document, by the impugned orders, which warrants no interference by this Court.

7.In fine, these Civil Revision Petitions are dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp/msa

TO:

District Munsif cum Judicial Magistrate,
Orathanadu, Thanjavur District.

+1 CC to M/s.G.KARNAN, Advocate (SR-23060[F] dated 19/07/2021)

+1 CC to M/s.S.KANAGARAJAN, Advocate (SR-23262[F] dated
20/07/2021)

C.R.P.(MD) (NPD) Nos.955 to 957 of 2014

and

M.P. (MD)No.1 of 2014

19.07.2021

RD(30.07.2021) 2P 4C

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